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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 EAGLE HOME MORTGAGE, LLC,

10 Plaintiff,

11 v.

12 MMCR MORTGAGE, LLC, *et al.*,

13 Defendants.

Case No. C08-1428RSL

ORDER DISMISSING  
DEFENDANT PERAZA  
AND VACATING ORDER  
TO SHOW CAUSE

14  
15 This matter comes before the Court *sua sponte*. On September 24, 2008, plaintiff  
16 filed its complaint. On January 28, 2009, the Court ordered plaintiff to show cause why  
17 the complaint should not be dismissed for failure to serve defendants within 120 days  
18 after the complaint was filed. Fed. R. Civ. P. 4(m).

19 Plaintiff has responded to the order to show cause and shown that it has served  
20 defendants MMCR Mortgage, LLC and Claudia Corrales. Dkt. #13. However, plaintiff  
21 states that it has been unable to serve defendant Maribel Peraza because she “has not been  
22 found in the State of Arizona.” Declaration of Scott Burke, (Dkt. #13) at ¶ 8. Plaintiff  
23 has not requested additional time to attempt to serve Peraza or shown good cause for the  
24 failure to do so.

Accordingly, the action against Ms. Peraza is DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 4(m). In light of plaintiff's response to the order to show cause, that order (Dkt. #12) is vacated.

DATED this 6th day of February, 2009.

Mr S Casnik

Robert S. Lasnik  
United States District Judge